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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09152734

Applicant(s)

Lynch, Id et al

Examiner

Sax

Group Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-45 is/are pending in the application.
- ☐ Of the above claim(s) 16-45 is/are withdrawn from consideration.
- ☐ Claim(s) 9 is/are allowed.
- ☒ Claim(s) 1-8, 10-15 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2,5 ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, drawn to an interactive web site information linking system, classified in class 345, subclass 760.
 - II. Claims 16-45, drawn to a database organization and access system , classified in class 707, subclass 10.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as providing web based interaction. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Scott Smiley on 11/13/02 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-15.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 16-45 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen et al (6118449) and Hanson et al (5974398).

10. Regarding claim 1, Rosen et al show the online interactive web site information system displaying advertisements, information, and business listings (Figure 8). Users may be referred to merchant websites of specific geographic areas or categories (see again Figure 8 and note how there are category selections, one of them being travel and regional). The web system allows users to advertise business listings and advertising (column 3 lines 18-23, column 4 lines 53-56). These in turn may be selected by users through the browser (column 6 lines 25-40) which displays the advertising, information and business listings. The display is viewed by users (column 6 lines 10-21). The advertising, information, and business listings are linked using a hyperlinks to corresponding merchant or other websites (column 6 lines 50-60).

Rosen et al do not specifically go into the details of targeting geographic profiles of users, but do mention user selection of categories including regional as noted above. In addition, Rosen et al mention storing information pertaining to the selection of various information types (column 8 lines 5-33). Hanson et al teach a way to effectively store information pertaining to the selection of various information types in an interactive web site information system, namely by targeting profiles of users (Hanson column 4 lines 15-24). This includes geographic targeting (Hanson column 4 line 56), and builds databases from the information (Hanson column 4 lines 3-10 and 60-68). The profiling includes recording and previewing account review information

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(Hanson column 5 lines 5-22). Information may be added or deleted by the users (Hanson column 5 lines 50-55). Extended service in which usage statistics are recorded and activity is monitored is also employed (column 5 lines 15-35, 40-50). It would have been obvious to incorporate these targeting techniques into the interactive web site information system of Rosen et al, because it would allow effective storing of information pertaining to selection of information types.

11. Regarding claim 2, Hanson et al show generating revenue from usage and accounting means to keep track of revenues and commissions (column 5 lines 25-40). It would have been obvious to a person with ordinary skill in the art incorporate this as a feature to target user purchases and selections in the interactive web site information system of Rosen et al, because it would allow effective storing of information pertaining to selection of information types.

12. Regarding claims 3-4, Hanson et al show updating advertising, business, and information listings and related payments (column 5 lines 17-33, column 9 lines 1-15). It would have been obvious to a person with ordinary skill in the art incorporate this as a feature to target user purchases and selections in the interactive web site information system of Rosen et al, because it would allow effective storing of information pertaining to selection of information types.

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13. Regarding claims 5-8, Rosen et al show the time duration 'coupons' and advertisements and subsequent removal (column 7 lines 10-20, column 13 lines 45-55)

14. Regarding claim 10, Rosen et al show different password levels to different users (column 5 lines 42-53).

15. Regarding claim 11, Hanson et al show listings may have bids for best offer (column 5 lines 30-42). It would have been obvious to a person with ordinary skill in the art incorporate this as a feature to target user purchases and selections in the interactive web site information system of Rosen et al, because it would allow effective storing of information pertaining to selection of information types.

16. Regarding claim 12, Rosen et al show that a hyperlink may simulate a button (for example Figure 7 , the Drafttracker button)

17. Regarding claims 13-15, Rosen et al show lit up links when links exist for a category (column 13 lines 35-50) and a darkened area when no links exist (see also column 14 lines 49-52) .

18. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

19. Claims 11 and 15 are rejected under second paragraph of 35 U.S.C. 112.

Claim 11 recites the limitation "said 4 sale listing" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 11 is intended to be dependent on claim 9

Claim 15 recites the limitation "said means for indicating that there are no links to business web pages..." in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It is suggested that claim 15 is intended to be dependent on claim 14.

20. Claim 9 is allowable over the prior art of record. The detailed fee breakdown with regard to specified towns, for all the elements listed, in combination with the other features of the claims combined from which claim 9 depends, are not set forth in the prior art of record.

21. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, may be reached at (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



STEVEN SAX
PRIMARY EXAMINER